

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff

v.

Joshua Streit,

Defendant,

22-CR-00350-ALC

Defendant's Opposed Motion to Change His Surrender Date

Introduction

Defendant Joshua Streit moves this Court to extend his surrender date from October 23, 2023, so he can work with his medical professionals to determine his prognosis and develop a treatment plan to adhere to while serving his sentence. Undersigned counsel has consulted with the Government. The Government opposes this extension. Mr. Streit has made one prior request for a change in his surrender date that was also predicated on his deteriorating neurological health. That request was unopposed by the Government and was granted by this Court. This request is directly related to Mr. Streit's previous request, and is predicated upon his deteriorating neurological health and cognitive function. Mr. Streit requests that his surrender date be extended so that he can acquire a diagnosis and develop a treatment plan.

Background

On February 21, 2023, Mr. Streit had a medical consultation that recommended further follow up with a referred specialist. The medical consultation is related to his medical conditions as disclosed in his Presentence Report. Mr. Streit immediately scheduled his next appointment but given high demand for the specialist and the complexity of the medical ailment at issue, the earliest appointment available was October 16, 2023.

On March 21, 2023, this Court sentenced Mr. Streit to 36-months' imprisonment, and ordered that he surrender to the Bureau of Prisons no later than 10:00am on July 17, 2023.¹

On March 29, 2023, after a comprehensive assessment that began well before this Court's sentencing, Mr. Streit received a diagnosis of autism spectrum disorder.²

On June 30, 2023, Counsel for Mr. Streit submitted an unopposed motion for change of surrender date, and informed this Court that the October 16, 2023, evaluation is diagnostic, and critical to Mr. Streit's health during his incarceration should it result in him requiring treatment during his incarceration.

On July 12, 2023, this Court changed Mr. Streit's surrender date from July 17, 2023, to October 23, 2023.³ He is currently scheduled to surrender to the following address at 2:00 PM on October 23, 2023: USP THOMPSON, 1100 One Mile Rd., Thompson, IL 61285.

On October 16, 2023, Mr. Streit attended a consultation with his neurologist at the Courage Kenny Rehabilitation Institute – Golden Valley in Minneapolis, MN. Mr. Streit's

¹ Dkt. 32.

² Mr. Streit's Medical Records from Allina Health (attached as Ex. A).

³ Dkt. 39.

neurologist confirmed symptoms relating to cognitive decline and established that more testing is needed for a diagnosis.⁴

Mr. Streit's next appointment with his neurologist is scheduled for October 23, 2023.⁵

Mr. Streit is also scheduled for a Multidimensional Assessment with Dr. S Larson-Peters at the Noran Neurological Clinic – Plymouth in Plymouth, MN for March 22, 2024.⁶

Argument

1. Mr. Streit's Deteriorating Mental and Physical Health Requires Constant, Individualized Care

It is unclear whether the Bureau of Prisons has the capabilities to provide Mr. Streit with the appropriate level of care. Mr. Streit suffers from autism and amnesia and is currently experiencing declining cognitive function. Mr. Streit's doctors are in the process of determining the cause of his declining cognitive capabilities and have suspected that frontotemporal dementia may be the cause. Mr. Streit's doctors hope to determine a diagnosis following additional testing and the multidimensional assessment.

If left untreated, Mr. Streit's declining neurological condition and cognitive function threatens to warp Mr. Streit's personality, unravel his behaviors, tangle his language, and potentially lead to his premature death. Mr. Streit has a family history of mental illness and both his mother and grandmother died young after battling debilitating cognitive decline.

⁴ Doctor's Follow-Up from October 16th, 2023, Appointment (attached as Ex. B).

⁵ *Id.*

⁶ Confirmation of March 23, 2024, Appointment at the Noran Neurological Clinic (attached as Ex. C).

Mr. Streit has consistently booked medical appointments for the earliest possible dates in an effort to acquire a diagnosis before surrendering to BOP. The well documented nation-wide shortage of qualified neurologists is why Mr. Streit's neurological appointment did not occur earlier than October 16, 2023.⁷

Conclusion

Based on the foregoing, Counsel for Mr. Streit formally requests an extension of Mr. Streit's current surrender date of October 23, 2023, to a date in the future so that Mr. Streit can obtain a diagnosis and put together a treatment plan that can be submitted to BOP prior to his surrender. In the alternative, Mr. Streit requests that this Court submit a recommendation to BOP that his sentence be served under house arrest so that Mr. Streit can acquire a diagnosis and treatment plan for his declining neurological function.

⁷ See e.g. <https://www.locumtenens.com/blog/3-stats-about-the-neurology-shortage-that-should-get-your-attention>; <https://becarelink.com/reasons-for-shortage-of-specialists-in-neurology/>; <https://news.childrensmemory.org/medscape-is-the-us-neurologist-shortage-insurmountable/>; <https://www.neurologylive.com/view/the-grave-threat-posed-by-the-shortage-of-neurologists>.

Dated: October 20, 2023
Brooklyn, New York

Respectfully submitted,

s/ Tor Ekeland

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October 2023, the forgoing document was filed with the Clerk of Court using the CM/ECF System and delivered electronically through that system to the following Government attorneys.

s/ Tor Ekeland

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